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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,288	02/13/2001	Masami Miyajima	203061US2	9458
22850	7590	08/24/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BAKER, CHARLOTTE M	
			ART UNIT	PAPER NUMBER
			2626	
DATE MAILED: 08/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/781,288	MIYAJIMA, MASAMI	
	Examiner Charlotte M Baker	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 02/21/01 is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kabeya (5,508,820).

**Regarding Claim 1:** Kabeya discloses a read light source and an image sensor (column 7, lines 20-29) and a reading unit (column 7, lines 4-8), which reads on “reading means for optically reading an image of a document to output digital image data”; selection of a recording speed (column 5, lines 50-56), which reads on “first setting means for setting a reading rate in a given scanning direction to a desired value”; temporary storage of image data (column 5, lines 42-44), which reads on “an image memory for temporarily storing the image data”; a second threshold value setting (column 6, lines 22-32), which reads on “second setting means for setting

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parameters related to reading the image of the document based on communication with an external apparatus”; calculation of image data (column 5, lines 63-67 and column 6, lines 1-6), which reads on “computation means for computing a total amount of the image data from the parameters”; control of initially selected recording speed based upon conditions (column 6, lines 2-6), which reads on “wherein the first setting means sets the reading rate based on the total amount of the image data”.

**Regarding Claim 2:** Kabeya satisfies all elements of Claim 1. Kabeya further discloses a change of the rate based upon the image data and memory area (column 6, lines 2-6), which reads on “wherein the first setting means resets the reading rate to a value higher than a value to which the reading rate is set when the total amount of the image data is smaller than a storage capacity of the image memory”.

**Regarding Claim 3:** Kabeya satisfies all elements of Claim 1. Kabeya further discloses a transfer of image data from image memory to an external apparatus (remote facsimile) (column 11, lines 22-38), which reads on “transfer means for transferring the image data from the image memory to the external apparatus by communication means”.

**Regarding Claim 6:** Kabeya satisfies all elements of Claim 1. Kabeya further discloses driving the motor at the selected recording speed (column 8, lines 64-67), which reads on “wherein said first setting means sets the reading rate by controlling a stepping motor involved in scanning in the given scanning direction”.

**Regarding Claim 7:** Kabeya satisfies all elements of Claim 1. Kabeya further discloses setting the recording speed based upon memory capacity (column 6, lines 2-6), which reads on “wherein

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the first setting means primarily sets the reading rate on the basis of an available capacity of said image memory".

**Regarding Claim 8:** Arguments analogous to those outlined in Claim 1 are applicable.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kabeya in view of Fukunaga et al. (6,717,694).

**Regarding Claim 4:** Kabeya satisfies all elements of Claim 3. Kabeya fails to specifically address IEEE 1394 as a means of communication. Fukunaga et al. disclose a network system utilizing 1394 communications (column 6, lines 37-42), which reads on "wherein IEEE 1394 is employed as the communication means". It would have been obvious for a person of ordinary skill in the art at the time of the invention to use the suggestion of Fukunaga et al. and incorporate IEEE 1394 as the mode of communication to allow high speed data transmission.

7. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kabeya in view of Ramsay et al. (5,502,576).

**Regarding Claim 5:** Kabeya satisfies all elements of Claim 3. Kabeya fails to specifically address SCSI as a means of communication. Ramsay et al. discloses the use of SCSI with

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Input/Output (I/O) devices (column 27, lines 57-67), which reads on "wherein SCSI is employed as the communication means". It would have been obvious for a person of ordinary skill in the art at the time of the invention to use the suggestion of Ramsay et al. to incorporate SCSI as the mode of communication with an external apparatus to improve compatibility characteristics associated with communicating to external devices.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M Baker whose telephone number is (703) 306-3456. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*KAW Williams*  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER

cmb *CLMB*